

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Nemont Friendship Room - Region 6
Scobey, MT 59263
OCTOBER 6, 2005

Commission Members Present: Tim Mulligan, Vice-Chairman; John Brenden; Shane Colton.

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director and FWP Staff

Guests: See October 6, 2005 Commission file folder.

Topics of Discussion:

- 1. Opening - Pledge of Allegiance**
- 2. Approval of September 8, 2005 Commission Minutes**
- 3. Approval of August 31, 2005 Commission Conference Call Minutes**
- 4. Approval of Commission Expenses through September 30, 2005**
- 5. 2006 Fishing Regulations – Final**
- 6. 2006 Paddlefish Roe - Informational**
- 7. Robertson Creek / Lower Flathead FAS Acquisition – Final**
- 8. Right-of-Way & Recreational Easement with Plum Creek Timber Company and the Bureau of Indian Affairs on Hubbard Reservoir – Final**
- 9. Bernie Hart Proposed Conservation Easement – Endorsement**
- 10. Community Recreation Grants – Informational**
- 11. Public Opportunity to Address Issues Not Discussed at this Meeting**

1. Opening - Pledge of Allegiance. Vice-Chairman Mulligan called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

2. Approval of September 8, 2005 Commission Minutes.

Brenden stated that poor telephone connections had made it difficult for him to express his opposition to the motions that approved the Deep Creek acquisition within the Smith River Corridor, and the Swan Valley Conservation easement, and he asked for reassurance that this opposition be reflected in the official record. (This is reflected in September's minutes).

Action: Colton moved and Brenden seconded the motion to approve the minutes of the September 8, 2005 meeting with the notation that Brenden wished to reflect that his votes were in opposition of the Deep Creek acquisition within the Smith River Corridor, and the Swan Valley Conservation easement. Motion carried. (The proposals were not affected by his votes of opposition – they still passed as recorded in the September minutes).

3. Approval of August 31, 2005 Commission Conference Call Minutes.

Action: Brenden moved and Colton seconded the motion to approve the minutes of the August 31, 2005 conference call meeting. Motion carried.

4. Approval of Commission Expenses through September 30, 2005. *Action: Colton moved and Mulligan seconded the motion to approve the Commission expenses as presented. Motion carried.*

Brenden commented that due to the increase in the price of gas, Fish, Wildlife & Parks' travel budget is seriously affected. Hagener said the Department will be a quarter of a million dollars over budget if the current rate of travel continues, therefore a variety of options are under consideration.

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Ronald Audet, Mayor of Scobey, welcomed Fish, Wildlife & Parks staff and the Commission to Scobey, and expressed pleasure that the Commission was meeting there. He extended an invitation to tour the City.

Brenden introduced the Scobey High School Senior Government Class, in attendance to observe "government in action", and thanked them for attending the Commission meeting. Mulligan welcomed the students and pointed out to them that this Commission is one of the best representations in state government. He explained that the Commission is comprised of Montana citizens who listen to comments and concerns expressed by other Montana citizens, then after much consideration, they make the best decisions they can toward the betterment of the resources.

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5. 2006 Fishing Regulations – Final. **Chris Hunter, FWP Fisheries Division Administrator,** explained that fishing regulations undergo a major review every four years; the last review was done in 2004. In the interim years, corrections, clarifications and particular proposals are addressed. The 2006 fishing regulation proposals include denying the request for two lines per angler on Lake Koocanusa, clarifying the upper boundary on the Noxon Rapids Reservoir, reducing the bass limit on Beavertail Pond, permanently closing portions of the Jefferson River, removing the rainbow trout regulation on McDonald's Pond, reinstituting a regulation regarding Cisco and Whitefish on Tiber Reservoir, and reducing the Sauger limit on the Bighorn River.

Hunter said very few comments were received on these proposed regulations. Three comments were received regarding the use of two lines per angler on Lake Koocanusa – two in opposition and one in support. Hunter explained that in 2005, anglers from the Libby area requested the use of two lines on Lake Koocanusa. At that time, FWP had just received a permit from the USFWS for a bull trout research project and felt the timing was bad, so did not approve the two-line request, but extended the proposal until this year. FWP reached 700 of the predicted target of 750 bull trout outlined in the permit, but as of yet, it is still unknown what the impact on the bull trout fishery will be. The USFWS has no issue with the use of two lines on Koocanusa, however Region 1 fisheries personnel are concerned about anglers catching bull trout and the possibilities of those fish dying after release. FWP recommends waiting a few years to determine the impact on the bull trout populations.

Additional comments included one request to increase the limit on cutthroat trout in the Western District to five, one recommendation to require barbless hooks in catch and release areas, one request to close the Big Hole River during spawning season, and one request to limit guides and outfitters on Montana rivers. Colton said now that the Big Horn River is "back again", altercations and conflicts have already begun.

Action: Brenden moved and Colton seconded the motion to approve the 2006 fishing regulations as proposed by the Department. Motion carried.

6. 2006 Paddlefish Roe – Informational. Chris Hunter, FWP Fisheries Division Administrator introduced **Brad Schmitz, FWP Region 7 Fisheries Manager**, who shared an informative Power Point presentation on paddlefish management.

Jim Culver, Glendive Caviar Committee, explained that the Glendive Chamber of Commerce oversees the caviar program that collects and sells paddlefish roe. The Committee grants the proceeds from the sale of the roe back to the communities for local improvement projects. FWP also receives a portion of the proceeds designated for Paddlefish preservation efforts. Culver said this caviar has evolved to the number 1 domestic caviar in the United States. Culver showed a video on the caviar project.

7. Robertson Creek / Lower Flathead FAS Acquisition – Final. Chris Hunter, FWP Fisheries Division Administrator, explained that this 2-acre parcel on the Flathead River has been heavily used for a number of years as an access even though it is privately held. The site was closed approximately two years ago, but the landowners (the Howe family) have recently expressed their willingness to sell the site to FWP. The appraised price is \$170,000, however because the Howes have agreed to reopen the site during negotiations and until the acquisition is complete, FWP has agreed to pay the Howes \$180,200.

Mulligan said it is a very popular area, and an ideal action for FWP to take. Brenden said it is a lot of money, but prices are high in the Flathead area.

Action: Mulligan moved and Colton seconded the motion to approve the purchase of the fishing access site on the Flathead River for \$180,200 as recommended by the Department. Motion carried.

8. Right-of-Way & Recreational Easement with Plum Creek Timber Company and the Bureau of Indian Affairs on Hubbard Reservoir – Final. Chris Hunter, FWP Fisheries Division Administrator, explained that Hubbard Reservoir is on the Little Bitterroot River near Kalispell, and is a very popular salmon and rainbow trout fishery. There is no legal public access, however Plum Creek has allowed access to the site, which is owned by the BIA. This easement proposal would provide, in perpetuity, a permanent road access easement to the FAS on Hubbard Reservoir from Plum Creek, and a recreational site easement from the BIA for public fishing and boating access. Plum Creek Timber Company, the BIA, the Confederated Salish & Kootenai Tribes, and FWP have been involved cooperatively on this access project as well as on road improvements, boundary surveys, and easement agreements. Plum Creek has already done a lot of work on the road at their own expense.

Mulligan asked if this was a deeded easement, and if there are stipulations. Hunter said the only stipulation is that FWP would share maintenance costs with Plum Creek.

Action: Colton moved and Brenden seconded the motion to approve the acceptance of a public access road easement from Plum Creek Timber Company and a recreational site easement from the Bureau of Indian Affairs to provide public access to Hubbard Reservoir in perpetuity. Motion carried.

9. Bernie Hart Proposed Conservation Easement – Endorsement. Pat Gunderson, FWP Region 6 Supervisor, thanked the Commission for coming to Region 6. He said the public attendance at the Brush Lake groundbreaking ceremony, and at this meeting, bears testimony to the importance of them coming to the region. Mulligan said that in all his time serving on the Commission, there have never been so many folks that have attended the functions. He added that as a Commissioner, he has

been afforded the opportunity to see so much of what Montana has to offer. Colton thanked Brenden for his hospitality, and expressed admiration for the community involvement. Brenden said they are “tickled” to have the Commission and staff there.

Gunderson introduced **Harold Wentland, FWP Region 6 Wildlife Manager**, to present the information on the conservation easement. Wentland began by thanking John and Carol Brenden for their hospitality; their warm welcome was much appreciated.

Wentland narrated a Power Point presentation detailing the proposed 400-acre easement in the Milk River flood plain. Bernie Hart has had this land in block management, and it is his desire that it continue to enhance and protect wildlife habitat, as well as remain a working farm. The acreage, located 29 miles west of Glasgow, is comprised of 192 acres of cultivated land, 173 acres of native riparian and sagebrush-grassland habitat, and 35 acres of wetlands. The grain fields are small and scattered, with native grass and shrubs surrounding them. The wetlands include 1.6 miles of the old Milk River and Beaver Creek oxbows, and several man-made ponds. This easement would provide year-round habitat for a number of wildlife and bird species.

The Montana Chapter of the National Wild Turkey Federation and the Gallatin Valley Pheasants Forever are interested in contributing toward this easement. The National Wild Turkey Federation and other Pheasants Forever chapters have also expressed interest in providing financial assistance.

The draft terms of the easement state that there is to be no removal of sagebrush, cottonwood trees or other riparian vegetation; no renting, leasing or sale of access for hunting or fishing; access for hunting will be allowed and managed; chemicals may only be used in amounts necessary to accomplish reasonable agricultural purposes and control of noxious weeds; vegetation along irrigation ditches will be managed to benefit wildlife; mineral development is prohibited (with exceptions); no feedlots; no game farming; cultivation allowed on existing fields; FWP has the right to enter the land for inspection purposes; and a developed grazing system is a part of the conservation easement.

Brenden questioned the prohibition of mineral development, particularly relative to the high price of fuel - we are importing oil and may need to become more self-sufficient. He said it is possible to maintain a balance between natural resource development and environmental protection. Mulligan asked who owns the oil and gas rights. Gunderson replied that this list of terms is merely a boiler plate at this point, and further negotiations and research will provide answers to these questions and concerns.

Action: The Commissioners unanimously concurred that FWP should continue negotiations on the Hart conservation easement.

10. Community Recreation Grants – Informational. **Doug Monger, FWP Parks Division Administrator**, gave an overview of the five community grant programs offered by the Parks Division. Each program has an oversight committee to review applications and recommend funding.

Off Highway Vehicle (OHV) Program – up to \$20,000 – no match required. Granted to restore areas damaged by OHVs, to maintain OHV trails and signs, to manage weeds, and for enforcement, etc.

Snowmobile Program – up to \$68,000 – no match required. Granted to snowmobile organizations and land management agencies to groom and maintain snowmobile trails, bridges, and signs, etc.

Motorboat Facility Program – up to \$35,000 – match of 20% of project cost required. Granted to local government agencies for projects that benefit motor boat users, such as docks and boat ramps, trailer parking, access, etc.

Recreational Trails Program – up to \$70,000 – match of 20% of project cost required. Granted to governmental agencies and private non-profit organizations for urban trail development in urban areas, to restore and maintain trails and areas damaged by trail usage, and to develop trailside facilities.

Land and Water Conservation Program – up to \$75,000 – match of 50% of project cost required. Granted to cities, towns, counties, school districts, state agencies, and tribal governments for outdoor recreational facilities.

Brenden stated that he had asked for this topic to be included on the agenda because these grants can be lifesavers in rural Montana, and many are unaware of the funding availability. When he inquired about the development of fishing ponds, he was told that the Fisheries Division handled those projects.

11. Public Opportunity to Address Issues Not Discussed at this Meeting. Dale Nelson, Homestead, appeared before the Commission on behalf of his local gun club. He said their grant application had been turned down by FWP, and they are concerned about where the money was spent. Of the nineteen applications submitted, twelve were approved. Two entities received \$75,000, which he felt was excessive, and one of those had received money in the past. Hagener said historically, FWP did not receive enough applications to expend all of the money, however this grant cycle generated more applications than there was money, so a scoring system was used to select projects.

Hagener said FWP had not looked at the issue of groups applying more than once, and stated that perhaps the scoring system needs to be revisited. Possibly someone who has applied and not received money might receive preference in the next funding cycle. Another factor to consider is when grant recipients do not use all of the money they are awarded. Hagener assured Nelson he had a valid point and FWP will look into it.

Brenden agreed the process needs looked into, and he stated that the money needs spread around as much as possible. He advised Nelson to be tenacious, and to work with FWP. He added that local communities need to get involved with these grants - it's a two-sided thing.

Mulligan stated that he hoped the Department explained to the rejected entities why their applications were denied and how they might improve them. FWP needs to help the entities become competitive.

Nelson said the language concerning the deadline portion of the applications is unclear. **Andrew McKean, FWP Region 6 Information Manager**, said the July 1 deadline is treated as a deadline but applications are not considered until after that. He agreed, however, that the language needs clarified. Doug Monger, FWP Parks Division Administrator, said shooting sports projects can also be applied for through the Land and Water Conservation Program.

Bruce Glennie, Judith Gap, expressed concern with the Block Management Program. He said it is a good program and he has advocated it in the past, however he is now concerned with FWP customer service. He said his property was dropped from the Block Management Program and he feels it was the result of a run-in with the Department over a cow that had been shot on his father's ranch. He was told that it wasn't his family name, but the score sheet, that had eliminated him from the program. He added that the score sheet was not signed by anyone from the Department. He asked why the Department would tell ranchers they were removed from the program in August after their budgets for the next year are already assembled.

Glennie questioned the reasons his application was denied. He said the habitat on his ranch is good, his acreage is defined, he has the ability to link with other block management areas, he has water running through his property while a successful neighbor only has water in his corral, and his property has been in block management since he bought it years ago. His place is nearly surrounded by cooperators. He feels it is because of the issue of the cow that was shot on his father's ranch. His family was told by FWP that they would be compensated and then after a few months they were told they were denied.

Colton explained that the Glennie family had made a claim for a lost animal, which FWP has a compensation program for. Region 5 had sent a letter agreeing to pay for the cow, and then five or six months later, told them they were not in compliance with the program after all, and denied payment. Colton said the very next correspondence to the Glennie family is a letter telling them they are no longer in the Block Management Program because they scored a ½ point too low to be in the program. Colton said the score sheet was not even signed so how can it be a valid score. Colton said the Glennie family has been in the area a long time. Colton said perception becomes reality. He said it sends the message that because they had an issue with the Department over a shot cow, they are denied block management.

Brenden said he had several conversations with Glennie's father, and he understands what has happened. Brenden called Alan Charles, FWP Landowner Sportsmen Coordinator, and Director Hagener and suggested erring on the side of the landowner. He feels that FWP staff are customer friendly, but Glennie's point is well taken.

Mulligan said there is no way this denial wasn't done in retribution over the situation with the cow. He said unless the Department can show where the perceptions by Glennie and two commissioners are wrong, FWP should reinstate the Glennies back into the Block Management Program. Brenden concurred. The perception is there and it is damaging. FWP needs overwhelming evidence to the contrary. Mulligan said to Glennie that he hopes they will not deny hunting because of mistakes that FWP has made. Glennie said they will still allow hunting.

Hagener explained that FWP has budget criteria and there is not enough money to enroll everybody in Block Management. He said Mr. Glennie appealed the decision, and it is his (Hagener's) obligation to review the appeal. Hagener said he understands that the scoring process needs to be reviewed, and that the Department needs to be consistent and not subjective. Hagener will review the appeal.

Meeting adjourned at 11:00 a.m.

Tim Mulligan, Vice-Chairman

M. Jeff Hagener, Director